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Baker 21-4

CONFIRMATION NO. 6042
DATE OF NOTICE OF ALLOWANCE: June 29, 2005
SERIAL NO. 09/503,042

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application

Applicant(s): A.D. Baker et al.
Case: 21-4
Serial No.: 09/503,042
Filing Date: February 11, 2000
Group: 2667
Examiner: Anh-Vu H. Ly

I hereby certify that this paper is being deposited on this date with the U.S. Postal Service as first class mail addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature: *Lisa L. Tulpis* Date: July 12, 2005

Title: Automated Link Variant Determination and Protocol Configuration
for Customer Premises Equipment and Other Network Devices

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The following remarks are submitted in response to the Examiner's Statement of Reasons for Allowance (hereinafter "Statement") included in the Notice of Allowability dated June 29, 2005 in the above-identified application.

REMARKS

Applicants have reviewed the Statement as given on page 2 of the Notice of Allowability. Based on this review, it appears that certain portions of the Statement may be viewed as mischaracterizing the recited limitations of the allowed claims.

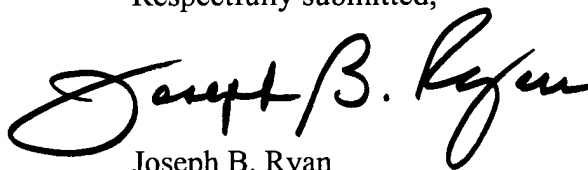
By way of example, the Statement indicates that the prior art does not teach or suggest “configuring the gateway and the additional device in accordance with the determined link type, as specified in independent claims 1, 14, and 27.” Applicants would like to point out that claims 1, 14 and 27 call for configuring at least one of first and additional devices, where the first device is further specified as comprising a gateway. The phrase “at least one of A and B” means A alone, B alone, or both A and B. Thus, although claims 1, 14 and 27 would of course cover an arrangement which involves configuring both the gateway and the additional device, these claims do not require configuring both the gateway and the additional device.

As another example, the Statement refers to a “determining step . . . specified in independent claims 11 and 24.” Although claim 11 has a determining step, there is no determining step explicitly recited in claim 24.

Accordingly, Applicants respectfully submit that the Examiner, in attempting to paraphrase the claimed invention, has introduced language into the Statement that does not accurately reflect the actual claim language.

Applicants believe that each of the claims is allowable because the recited limitations thereof are not taught or suggested by the prior art of record. To the extent that the Statement includes language which deviates from the actual language used in these claims, the Statement is respectfully traversed.

Respectfully submitted,

A handwritten signature in black ink, reading "Joseph B. Ryan". The signature is fluid and cursive, with the first name "Joseph" and last name "Ryan" clearly legible.

Date: July 12, 2005

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